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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,912	08/23/2000	Kiyoshi Asami	001062	9494

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EXAMINER

NGUYEN, TU MINH

ART UNIT	PAPER NUMBER
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3748

15

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/643,912

Applicant(s)

Asami et al.

Examiner

Tu M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 1, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 23, 2000 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

1. An Applicant's Amendment filed on August 1, 2002 has been entered.

Claims 2-4 have been canceled. Claims 5-8 have been added and are pending in this application.

Claim Objections

2. Claims 5-7 are objected to because

- Claim 5, line 9 of the claim, "of" following "catalyst" should read --or--. Line 16 of the claim, --first-- should be inserted following "the".

- Claims 6 and 7, line 1 of each claim, "claim 1" should read --claim 5--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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4. Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuzuki et al. (U.S. Patent 5,801,499).

Re claim 5, as illustrated in Figures 1, 3, 6, and 7, Tsuzuki et al. disclose a catalyst warming control apparatus for a hybrid vehicle having an internal combustion engine (10), a generator (40) for generating electric power from the output from the internal combustion engine, a power storage unit (44) for storing electric power generated by the generator, and an electric motor (40) driven by the electric power stored in the power storage unit, the hybrid vehicle being driven by at least one of the outputs from the internal combustion engine and the motor, the catalyst warming control apparatus comprising:

- a clutch (21) for performing the connection or disconnection of the transmission of the power between the generator connected to the engine and to the motor;
- a temperature detector (17) for detecting the temperature of a catalyst (16);
- a first comparison circuit for comparing the detected result from the temperature detector with a preset first reference value (step S13); and
- a control circuit for allowing the generator to generate electric power and to store the power in the power storage unit when the internal combustion engine is driven, and when the detected result from the temperature detector is equal to or below the first reference value according to the output from the first comparison circuit (step S13 with N answer and steps S28-S35; line 61 of column 9 to line 8 of column 10).

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Re claim 6, the catalyst control apparatus of Tsuzuki et al. further comprises:

- a remaining charge detector (45) for detecting a remaining charge of the power storage unit; and
- a second comparison circuit for comparing the detected result from the remaining charge detector with a preset second reference value (DEFINED VALUE 1 in Figure 6) relating to the remaining charge,

wherein the control circuit drives the vehicle by the output from the internal combustion engine, engages the clutch, and allows the generator to generate electric power and to store the power in the power storage unit, when the detected result from the temperature detector is equal to or below the first reference value according to the output from the first comparison circuit, and when the detected result from the remaining charge detector is equal to or below the second reference value relating to the remaining charge according to the output from the second comparison circuit (see Figures 6 and 7 and lines 13-40 of column 11).

Re claim 7, the catalyst control apparatus of Tsuzuki et al. further comprises:

- a remaining charge detector (45) for detecting a remaining charge of the power storage unit; and
- a second comparison circuit for comparing the detected result from the remaining charge detector with a preset second reference value (DEFINED VALUE 2 in Figure 6) relating to the remaining charge,

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wherein the control circuit allows the generator to generate electric power, disengages the clutch, and drives the vehicle by the generated electric power and stores the electric power, when the detected result from the temperature detector is equal to or below the first reference value according to the output from the first comparison circuit, and when the detected result from the remaining charge detector is above the second reference value relating to the remaining charge according to the output from the second comparison circuit (see Figures 6 and 7 and lines 13-40 of column 11).

Re claim 8, in the catalyst control apparatus of Tsuzuki et al., the control circuit allows the generator to generate electric power, and drives the vehicle by the motor, when the detected result from the temperature detector is equal to or below the first reference value according to the output from the first comparison circuit, and when the detected result from the remaining charge detector is above the second reference value (DEFINED VALUE 2 in Figure 6) relating to the remaining charge according to the output from the second comparison circuit (see Figures 6 and 7 and lines 13-40 of column 11).

Response to Arguments

5. Applicant's arguments with respect to the references applied in the previous Office Action have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Communication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tu Nguyen whose telephone number is (703) 308-2833.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas E. Denion, can be reached on (703) 308-2623. The fax phone number for this group is (703) 308-7763.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

TMN

August 9, 2002

Tu M. Nguyen

Tu M. Nguyen

Patent Examiner

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Thomas Denion
THOMAS DENION
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